

publishing certain laws in the Wisconsin Argus, by order of the legislative assembly.

HARRISON C. HOBART,
Speaker of the Assembly.
 JOHN E. HOLMES.

Lt. Governor and President of the Senate.

Approved, March 31. 1849.

NELSON DEWEY.

Chap 166

An act to incorporate the village of Watertown.

THE People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Boundaries.

SECTION 1. That all of that certain tract of land known and described as section number four in township number eight north, range number fifteen east, in the county of Jefferson, shall hereafter be known and designated as the village of Watertown; and the inhabitants residing, or who may hereafter reside within said village, are hereby constituted a body corporate, to be known and recognized by the name or title of "The President and Trustees of the Village of Watertown," and by said name or title, they and their successors forever, shall and may have perpetual succession, and shall be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places, and in all suits whatsoever; and in all suits against said corporation, the first process shall be by summons, and an attested copy thereof shall be served upon the president or clerk of the corporation, at least ten days previous to the return day thereof.

Corporate name.

SEC. 2. The village of Watertown shall be divided into two wards, to wit: all that part of said village lying and being on the east side of rock river, shall constitute one ward, and shall be known and designated as the East Ward; and all that part of said village lying and being on the west side of said river, shall constitute one ward, and shall be known and designated as the West Ward; and all taxes hereafter levied and collected by the board of trustees hereinafter named, for the purpose of making, repairing, grading, or improving roads, streets, alleys, sewers, or side-walks in said village, shall be expended within the limits of each ward respectively in which the same has been assessed and collected; and all property within the limits of said village shall, and the same is hereby forever exempted from paying a road tax in any town or townships within this state.

How suits commenced.

East ward.

West ward.

Taxes, &c.

Elections &c.

SEC. 3. It shall be lawful for the qualified electors of said village to meet at the "Planters' Hotel" in the east ward, and at the "American House" in the west ward of said village, on the last Monday in March, 1849, and on the last Monday in March annually thereafter, at such places as the board of trustees shall appoint, and then and there proceed, by a plurality of votes, to elect by ballot a president, who shall be *ex officio* a trustee, six trustees and a treasurer, who shall hold their offices for one year, and until

their successors are elected and qualified; said trustees to be electors of the respective wards; the east ward electing three trustees, and the west ward electing three trustees; and no person shall be eligible to the office of president or trustees, unless he is an elector, and a freeholder in said village; and at all elections for officers under this act, subsequent to the first election, no person shall be a qualified elector unless he shall have paid his poll tax.

Who eligible.

SEC. 4. At the first meeting of the trustees after their election, they shall, by ballot, elect a clerk, and a marshal, who may hold their offices for one year, and until their successors are elected and qualified; being subject to removal at any time; a majority of the trustees of both wards voting for such removal; and said marshal shall have the same powers and receive the same compensation as the constables elected in towns.

Trustees to appoint officers.

SEC. 5. At the first election to be holden under this act, the electors of each ward respectively, who shall be present, shall choose *viva voce* two judges and a clerk of said election, who shall each take an oath, or make affirmation, faithfully to discharge the duties required of them by this act; and it shall be the duty of the clerk of election in and for the west ward to make and deliver a full return of the election in said ward to the clerk of the election in and for the east ward as soon as may be, after the election, and it shall be the duty of said last named clerk, to make out a full statement of the election, to be returned to the board of trustees at their first meeting, and to notify within three days after the election, all persons elected under this act, of their election respectively. And it shall be the duty of the president elect, to call a meeting of the trustees elect, to assemble within ten days after the election, at such time and place as he may designate; and at all subsequent elections, the trustees of each ward or any two of them shall be judges of election in their respective wards, and the clerk shall be clerk of the election in that ward of which he may be a resident, and the judges of election in the other ward shall appoint a clerk of election; and at all elections held under this act, the polls shall be open between the hours of nine and ten o'clock in the forenoon, and closed at four o'clock in the afternoon of said day; and at the close of the polls, the votes shall be publicly counted, and a true statement of the result proclaimed to the electors present by one of the judges; and it shall be the duty of the clerk appointed by the judges of election, to make out and return, as soon as may be, to the clerk of the board of trustees, a full and true statement of the election in the ward wherein he shall have been clerk; and the clerk of the board of trustees shall make a true entry of the election, and within three days after such election, notify the persons elected of their election respectively. And in case any two or more persons shall receive the same and the highest number of votes for any office herein named at any election, it shall be decided by lot, who of such persons shall fill such office. And it shall be the duty of the clerk to publish a full statement of all elections held under this act, within ten days thereafter, and also to publish notice of each and every annual election at least ten days previous to the day of holding such election, by

Electors to choose judges

Duties of clerk of first ward.

Duties of president.

Polls when opened and closed.

Clerk to make out returns, &c.

Tie vote, how decided.

Public notice to be given.

posting up notices in at least three public places in each ward of said village respectively, or by publication in a newspaper published in said village, as the board of trustees may direct.

Vacancies
how filled.

SEC. 6. In case of a vacancy or vacancies in any of the offices herein named, it shall be the duty of the board of trustees to fill the same by appointment: *Provided*, That the office of president shall be filled by a trustee, and that the office of trustee shall be filled by a person eligible to such office, to be chosen by the trustees of the ward in which such vacancy shall have occurred.

Oath.

SEC. 7. Every officer elected under this act, or appointed by virtue, or in pursuance of the provisions hereof, shall, before he enters upon the duties of his office, take and subscribe an oath or affirmation in the form following, which said oath or affirmation shall be filed in the office of the clerk of the board of trustees:—
“I do solemnly swear (or affirm) that I will support the constitution of the United States, and the constitution of the state of Wisconsin, and faithfully discharge the duties of _____ of the village of Watertown, according to the best of my ability.” And the treasurer, clerk and marshal, before they enter upon the duties of their offices, shall each execute and deliver a bond to the president and trustees, in such sum and with such conditions, as a majority of said trustees shall direct.

To give
bonds.

Duty of president.

SEC. 8. It shall be the duty of the president to preside at all meetings of the trustees, but he shall have none other than a casting vote; and to see that the by-laws and ordinances are duly observed and enforced.

Clerk's duties

SEC. 9. It shall be the duty of the clerk to record the return made to the board of trustees of the elections had under this act; to keep a record of the doings of the board of trustees, and of the by-laws, ordinances and regulations, and also of the doings and votes of the electors of said village at their annual and other elections, and to keep on file and preserve all papers which may be ordered on file by the trustees. The records kept by the clerk shall be evidence in all legal proceedings, and copies of all papers duly filed in his office, and transcripts from the records of the proceedings of the board of trustees, certified by him under the corporate seal, shall be evidence in all courts of the contents of the same.

Treasurer's
Duties.

SEC. 10. The treasurer of said village shall receive all monies which may or shall be collected for the use of the corporation, by virtue of this act, or by virtue of any by-law or ordinance of the corporation, and give the person paying the same his receipt therefor. All moneys shall be drawn from the treasury by warrants under the corporate seal, signed by the president by order of the trustees, and countersigned by the clerk, who shall keep a register thereof; and every such warrant shall set forth for what purpose, the amount specified therein is to be paid; and the said treasurer shall pay out the funds of the corporation in no other way whatsoever; he shall keep a just and accurate account of all moneys and other things coming into his hands as treasurer, in a book to be provided by the corporation for that purpose, which said book shall be and remain the property of the corporation, and in said book

he shall note the time when, the person from whom, the amount of the several sums received, and the source from whence the said sums arose respectively; and in the same book he shall duly enter an account of all sums paid out; and said book shall at all reasonable times be open to the inspection of the voters of said village; and said treasurer shall annually, and as often as they shall require, render to the board of trustees a minute account of all his receipts and disbursements.

- Sec. 11. The president and trustees shall have the following powers, to wit:
1. To have a common seal, and alter the same at pleasure. Powers of corporation. Seal.
 2. To purchase, receive and possess, and also to sell and convey any estate, real or personal, for the use or benefit of the corporation. To hold property.
 3. To make, open, keep in repair, grade, improve or discontinue streets, avenues, lanes, alleys, sewers and sidewalks; to keep them free from incumbrances and to protect them from injury; and for the purpose of making, maintaining and repairing sidewalks, and for opening, making, grading and improving streets, avenues, lanes, alleys, or sewers, to levy and collect from the owner or owners of the land on which such improvements may or shall be made, a special tax to defray the expense of the same, provided the owners of two thirds of said land shall have by petition to the board of trustees, asked for such improvement. To open streets, &c.
 4. To organize a fire company or companies, a hook and ladder company or companies, and to regulate their government, and the times and manner of their exercise; to provide all necessary apparatus for the extinguishment of fires; to require the owners of buildings to provide and keep suitable ladders and fire buckets, which are hereby declared to be appurtenances to the real estate, and exempt from seizure, distress, or sale in any manner; and if the owner shall refuse or neglect to procure and keep suitable ladders or fire buckets, or both, after reasonable notice, the board of trustees may procure and deliver the same to him, and in default of payment therefor, may bring an action of debt against said owner, and be entitled to recover in such action the value of such ladders or fire buckets or both, with costs of suit. To organize fire companies.
 5. To regulate the storage of gunpowder and other dangerous or hazardous materials. Storage of powder, &c.
 6. To severally enter into or appoint one or more officers to enter into and examine, at all reasonable times, all dwelling houses, lots, yards, enclosures and buildings of every description, in order to discover if they are in a dangerous condition; and to cause such as may be deemed in a dangerous condition, to be put in a safe condition. To examine buildings.
 7. To regulate the manner of putting up stoves and stove pipes; and to compel the owners of houses and buildings to have scuttles on the roofs of said houses and buildings, if deemed necessary. Stoves, scuttles, &c.
 8. To prevent fires, and the use of fire works and fire arms. Fire works, fire arms, &c.

within the limits of said village, or within such parts thereof as they may think proper.

To extinguish
fires, &c.

9. To compel the inhabitants of said village to aid in the extinguishment of fires, and to pull, break down, or raze any building or buildings in the vicinity of a fire, which the trustees of the ward in which such fire may be, or any two of them who shall be present at such fire, shall direct to be pulled or broken down, or razed, for the purpose of preventing the communication of such fire to other buildings; and the said trustees who may or shall direct the pulling, breaking down or razing of any building for the purpose aforesaid, shall determine the amount of compensation, if any, to be paid to the owner or owners of such building or buildings; and such compensation shall be paid out of the funds of the ward in which such building or buildings were situate, and the trustees of such ward shall have power to levy and collect a special tax on the property in such ward sufficient to pay the same, any thing in this act contained to the contrary notwithstanding.

To provide
water works.
General
powers.

10. To construct and preserve reservoirs, pumps, wells and other water works, and to regulate the use of the same.

11. To establish and enforce, for the prevention or extinguishment of fires, such prudential measures, not conflicting with the constitution and laws of this state, as they shall deem proper.

Nuisances.

12. To prevent, abate or remove nuisances.

To clear out
river.

13. To clear out and remove from the river and other waters within said village, all vegetable and other matter which may or shall have been deposited, or have accumulated in the same, and to prevent such deposits or accumulations.

Health.

14. To establish and enforce such measures not conflicting with the constitution and laws of this state, for the preservation and protection of the public health as they shall deem proper.

Disorderly
houses, &c.
Pounds.

15. To suppress disorderly, lewd or gaming houses, and to seize and destroy device for gambling.

16. To restrain the running at large of cattle, hogs and other animals; and to establish a pound or pounds, and appoint pound masters and fence viewers, and prescribe their powers and duties.

Markets.

17. To establish and regulate markets, and regulate or restrain sales in the streets; to establish and regulate a public scale, and appoint a weigher to attend to the same, and to appoint and regulate the place and manner of selling hay, and other gross commodities.

18. To protect trees and monuments in said village.

Grave yards.

19. To purchase, receive, hold, own and lay out grave yards or cemeteries, and regulate the burial of the dead, and to make and enforce such regulations or ordinances relating to the same as they shall deem proper.

20. To call regular and special meetings of the voters of said village.

21. To prescribe the compensation of all officers of said village except their own, and except as herein provided.

To levy tax-
es.

22. To levy and collect taxes on all such property as is now, or shall hereafter be subject to town and county taxes: *Provided*,

That all taxes levied and collected in any one year, for ordinary corporation purposes, shall not exceed one per centum on the property assessed; and such taxes shall be levied upon the assessment roll as made by the assessors of the town of Watertown in the month of May annually; and provided further, that all lands lying and being within said village, used for farming purposes, and not laid out into lots and blocks, a plat whereof shall have been duly recorded, shall be subject only to such amount of taxes as said lands would have been subject to, had not this act been passed.

23. To tax every male resident of said village above the age of twenty-one years, and under the age of fifty years, two days' labor, or in lieu thereof a sum not exceeding two dollars in money, to be appropriated to improving the roads and streets of said village, under the direction of such person or persons, as they may appoint. Road tax.

24. To appoint a board of health with powers to use such means and establish and enforce such regulations, as they may deem proper to prevent the taking or spreading of any infectious, noxious, contagious or pestilential disease or epidemic within said village; and to establish a hospital or asylum for the sick, and remove any person who may be affected with any such disease or epidemic, to such hospital or asylum. To appoint board of health.

25. To license and regulate groceries, victualing houses, taverns, shows, public exhibitions and theatrical and other entertainments, and also the sale of strong or spirituous liquors within said village; and to fix such rate of licenses as they shall deem proper: *Provided*, however, that neither the board of trustees, nor any other board of excise, shall have power to grant licenses for the sale of strong or spirituous liquors, or wines, or any mixtures thereof, within said village, to be drunk in any grocery, store or victualing house, nor in any tavern, unless such tavern shall have suitable accommodations for the traveler; and all sums received for such licenses, shall be paid into the treasury of the corporation, to be used for corporation purposes. To license groceries &c.
Proviso.

26. To make, pass, ordain and establish such by-laws, ordinances and regulations, not repugnant to the constitutions and laws of the United States and the constitution and laws of this state, for the purpose of carrying into effect the provisions of this act, as they may deem proper; but no such by-law, ordinance, or regulation shall take effect or be in force until the same shall have been published at least three weeks successively by publication in some newspaper published in said village, or by being posted up for at least the same length of time in three or more public places in each of the wards of said village; and to amend or repeal the same at pleasure. To make by-laws.

SEC. 12. The board of trustees, in order to enforce the observance and punish the breach of any by-law, ordinance or regulation by them adopted agreeably to the provisions of this act, shall have power to ordain and establish such reasonable fines, forfeitures and penalties for the breach of the same, as they shall deem proper, not exceeding twenty dollars for any one offence, to Fines, &c.

be prosecuted and recovered before any justice of the peace or court having cognizance of the same, in the name and for the use of the corporation; and in any such action it shall be lawful to declare generally in debt, for such penalty or forfeiture, and the defendant may plead the general issue and give the special matter in evidence; and all penalties and forfeitures, when collected, shall be paid to the treasurer for the use of the village: *Provided*, however, that the said board of trustees shall have power to remit such fines, or forfeitures, or penalties or any part thereof.

Affidavits &c.

SEC. 13. The affidavit of the printer or publisher, of the publication of any by-law, ordinance or regulation, or the affidavit of the clerk or marshal of the putting up notices, by-laws, ordinances or regulations as required by this act, shall be sufficient proof in all courts and places that such notices, by-laws, ordinances or regulations were properly published or posted up.

Quorum.

SEC. 14. Any four of said trustees shall be a board for the transaction of all business, but no by-law or ordinance shall pass or be of force, unless at least four of said trustees concur therein; and no by-law, ordinance or resolution, affecting the interests or relating especially to either ward, shall pass or be of force unless at least two of the trustees of such ward shall concur therein.

Witness not disqualified.

SEC. 15. No person, otherwise qualified, shall be deemed an incompetent judge, justice, witness or juror, by reason of his being an inhabitant, elector or freeholder in said village, in any action in which the corporation is a party or in anywise interested.

To publish list of receipts and expenditures.

SEC. 16. The board of trustees shall, each year, before the annual election, publish a full and correct statement in detail of the receipts and expenditures of the corporation for the preceding year.

Clerk to procure assessment roll.

SEC. 17. The clerk of the corporation shall annually, in the month of June, upon the completion of the same, procure from the assessors of the town of Watertown, a copy of the assessment roll of all property liable to taxation within the limits of said village, certified by one or more of the assessors as a true copy thereof, and lay the same before the trustees of said village, which copy so certified, shall be the assessment roll for said corporation for the year in which the same shall have been made: *Provided*, That the said trustees shall have the same power and be subject to the same restrictions and regulations for the correction of errors and omissions in the same, as are prescribed to town supervisors in relation to town assessments, by section fifteen of an act to amend an act entitled "an act to provide for the government of the several towns in this territory, and for the revision of county government," approved April 15, 1843.

Clerks to make out tax list.

SEC. 18. When the board of trustees shall have determined the rate per centum to be taxed on the assessed value of property as contained in the assessment roll as aforesaid, it shall be the duty of the clerk, in the month of June, to make out in accordance with such determination a schedule of all property as contained in said assessment roll, together with the names of the owners thereof, when known, annexing to each lot or other kind of property, the amount of tax which shall be chargeable on the same agreea-

ble to the assessment as returned, and the rate per centum of taxation, as fixed by the board of trustees, which schedule shall be called the tax list, and shall be recorded in a book to be kept by him for that purpose, and said tax list, or the record thereof, shall either of them be conclusive evidence of the amount of corporation taxes assessed for the current year in which the same shall be made out and dated.

SEC. 19. It shall be the duty of the clerk to complete the tax list as aforesaid, and deliver the same to the treasurer in the month of June, and make a record of such delivery in the book where such list shall be recorded, which record shall be conclusive evidence of such delivery, and the tax assessed on real estate shall be a lien on the same from the date of assessment, until the same shall be paid, together with all penalties and costs which may accrue thereon, agreeably to the provisions of this act.

Duty of clerk to make tax list.

SEC. 20. Upon the receipt of the tax list as aforesaid, it shall be the duty of the treasurer to give public notice in a newspaper published in said village, or by posting up notice in three or more public places in each of the wards of said village, that such tax list has been committed to him for collection, and that he will receive payment for taxes at his office for the term of two months next ensuing the date of such notice, and all persons paying taxes during said time, shall be entitled to a discount of five per centum upon the amount paid.

Duty of treasurer.

SEC. 21. If the taxes are not paid to the treasurer within said term, he may then proceed to collect the same by distress and sale of the goods and chattels of the person charged, giving six days notice of the time and place of such sale by posting up notices of the same in three or more public places in each of the wards of said village.

Id.

SEC. 22. In case no goods or chattels shall be found of which to collect the taxes levied on any lot or lots, or other pieces of land, it shall be the duty of the treasurer to make out a general advertisement, stating that all lots or other pieces of land upon which the taxes have not been paid, will be sold by him at a certain time and place to be therein mentioned, for the purpose of paying the taxes which have been assessed thereon, together with all costs and other liabilities which may accrue by advertisement and sale agreeably to the provisions of this act, and said advertisement shall be published at least three weeks successively in a newspaper published in said village, or posted up for the same length of time, in at least three public places in each of the wards of said village.

Id.

SEC. 23. On the day and at the time and place mentioned in said notice, the treasurer shall commence the sale of said lots and lands, and continue the same from day to day until so much thereof shall be sold as will pay the taxes, interest and charges due, assessed, and charged thereon agreeably to this act, and the treasurer shall give to the purchaser or purchasers of any such lots of land, a certificate describing the lots or lands purchased, stating the sum paid therefor, including fees, and the time when the purchaser will be entitled to a deed for the same, and if the person

Id.

claiming the title to the lots or lands so sold and described in such certificate, shall not, within three years from the date thereof, pay to the treasurer for the use of the purchaser, his heirs or assigns the sum mentioned in such certificate, together with the interest thereon at the rate of twenty-five per centum per annum, from the date of such certificate, the treasurer shall at the expiration of said three years, execute to the purchaser, his heirs or assigns, a conveyance of the lots and lands so sold, which conveyance shall vest in the person or persons to whom the same shall be given, an estate in allodium, and the said conveyance shall be *prima facie* evidence that the sale was regular according to the provisions of this act; and any such conveyance to be executed by the treasurer under his hand and the seal of the corporation in the name and on behalf of the village of Watertown, and the execution thereof witnessed and acknowledged as by law in other cases provided, may be given in evidence and recorded in the same manner and with like effect as a deed regularly executed, acknowledged and delivered by the grantor, may be given in evidence.

Treasurer shall advertise.

SEC. 24. In all cases before lands shall be conveyed as aforesaid, the treasurer shall advertise the same by correct description thereof, for three months, in a newspaper published in said village, or by posting up three or more copies of such notice in public places in each of the wards of said village, stating therein that all such lots or lands will be forfeited, if the taxes and charges upon the same are not paid before the day therein mentioned.

Charge for advertising lots.

SEC. 25. That all lots or lands which shall be advertised for sale for the non-payment of taxes, shall be subject to a charge of three cents for each lot or piece of land so advertised, for the first advertisement, and for each lot or piece of land which shall be sold as aforesaid, it shall be lawful for the treasurer to demand and receive the following fees, to wit:

Fees of treasurer.

For each certificate to be given to a purchaser of any lot or piece of land at such sale, twelve and a half cents;

For certifying the amount necessary to redeem any lot or piece of land, twelve and a half cents;

For each conveyance executed in pursuance of this act, one dollar. And the said fees shall be paid by the person receiving such instrument. The charge for advertising the forfeiture of a piece of land, shall be ten cents for each lot or parcel.

Person redeeming to pay tax.

SEC. 26. That if any person who shall purchase any lot or piece of land sold by virtue of the provisions of this act, shall pay any tax returned subsequent to such purchase on such lot or piece of land, the person who shall redeem the same shall pay to the treasurer the amount of tax, with interest at the rate of twenty-five per centum per annum, for the use of such purchaser.

This act to be submitted to a vote.

SEC. 27. This act shall be deemed a public act, and may be amended or repealed, by the legislature of the state of Wisconsin, and shall take effect after having been adopted by a vote of a majority of the legal voters of said village, who shall vote upon the question; and for this purpose it shall be lawful for said voters to assemble at the "Lanter's Hotel" in said village, on Thursday the twenty-second day of March, 1849, and having organized by

choosing *viva voce*, a moderator and clerk, who shall be severally sworn faithfully to perform the duties required of them by this act, proceed to vote for or against this act, by casting a ballot on which shall be written or printed "for corporation," or "against corporation," and the polls shall be kept open from the hour of ten o'clock A. M. to the hour of four o'clock P. M., when the votes shall be publicly counted by the moderator and clerk, and if it shall appear that a majority of the votes cast shall be "for corporation," the moderator shall immediately proclaim the same; and it shall be the duty of the clerk to make out a return of said election, to be certified by the moderator and clerk, and deposited with the board of trustees at their first meeting.

Ten voters
may call
meeting.

SEC. 28. If a majority of votes cast shall be "against corporation," it shall be lawful for any ten of the legal voters of said village, to call a meeting of the legal voters of said village, at such place within said village as they may deem proper, on any day between the fifteenth day of June, 1849, and the fifteenth day of August, 1849: *Provided*, That at least two weeks notice of such meeting shall be given, and the time and place of holding the same, by publication in the newspapers of said village; and it shall be lawful for the legal voters of said village, to meet on the day and at the place specified in such notice, and then and there proceed in the same manner as directed in the next preceding section, and if a majority of the votes cast shall be for corporation, then this act shall be law, and the legal voters of said village shall proceed on the next day after such election, to elect the officers of said village agreeably to the provisions of section three of this act, and the term of service of the officers then elected, shall be until the last Monday in the month of March, next ensuing such election, and until their successors are elected and qualified.

HARRISON C. HOBART,
Speaker of the Assembly.

J. E. HOLMES,

Lt. Governor and President of the Senate.

Approved, March 17, 1849.

NELSON DEWEY.

An act to appropriate to David Holt, Jr., the sums therein named.

Chap 167

THE People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to David Holt, Jr., David Holt, Jr. to be paid out of the first money paid into the state treasury, nineteen hundred and five dollars and eleven cents for the postage of members of the legislature up to March 31, 1849.

SEC. 2. There is hereby appropriated to David Holt, Jr. to be paid out of the state treasury, sixty dollars and eleven cents for stationery furnished the chief clerk of the senate and assembly at the present session of the legislature.

SEC. 3. There is hereby appropriated to David Holt, Jr., forty one dollars and seven

four of the Universi-